

Paid Family Leave Negotiations

	2019 Compromise	HB 2005	HB 3031	WA PFML
Covered Employer	All employers with at least one employee	All employers with at least one employee	All employers with at least one employee	All employers with at least one employee
Maximum Leave	12 weeks *Employee who uses all 12 weeks of PFL can use an additional maximum of 4 weeks of OFLA unpaid leave for non-PFL purposes	22 weeks *Employee who uses all PFL leave could use up to an additional 12 weeks of OFLA unpaid leave for non-PFL purposes	32 weeks	16 weeks or up to 18 weeks for pregnant individual with pregnancy complications
Medical Leave	12 weeks	8 weeks medical leave and family leave for family with serious health condition +4 weeks for condition related to pregnancy or child birth	12 weeks family and medical leave +6 weeks for condition related to pregnancy or childbirth	Up to 12 weeks or up to 14 weeks for pregnancy complications
Family Leave	12 weeks	10 weeks parental leave	12 weeks family and medical leave + 14 weeks parental leave	12 weeks
Eligibility	Employee earned at least \$1,000 in base year; must be employed for 90 days for job protections to apply	Employee earned at least \$1,000 in base year	Employee earned at least \$300 in base year	Employee worked at least 820 hours in last five quarters

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Family Member Definition	Spouse or domestic partner; child of or child of spouse or domestic partner; parent or parent of spouse or domestic partner; sibling or step siblings of employee or sibling's or step sibling's spouse or domestic partner; grandparent or grandparent's spouse or domestic partner; grandchild or grandchild of spouse or domestic partner; or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.	Spouse or domestic partner; child of or child of spouse or domestic partner; parent or parent of spouse or domestic partner; sibling or step siblings of employee or sibling's or step sibling's spouse or domestic partner; grandparent or grandparent's spouse or domestic partner; grandchild or grandchild of spouse or domestic partner; or any individual related by blood or affinity whose close association with a covered individual is the equivalent of a family relationship.	Family member under OFLA; any biological or legal relative; individual for whom employee is responsible for providing healthcare, assistance in accessing or managing medical treatment or support with the activities of daily living; individual who lives with an employee with whom the employee shares responsibility for each other's common welfare; or any other individual whose close association with the employee is equivalent to a family relationship.	Spouse or domestic partner; child (including a biological, adopted, or foster child, stepchild, or a child to whom the employee stands in loco parentis, is a legal guardian, or is a de facto parent, regardless of age or dependency status); a biological, adoptive, de facto, or foster parent, stepparent, or legal guardian of an employee or the employee's spouse or registered domestic partner, or a person who stood in loco parentis when the employee was a minor child; grandparent; grandchild; sibling.

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Wage Replacement Rate	<p>EE earns minimum wage – benefit is 100% of EE’s average wage</p> <p>Sloped wage replacement: lowest wage employees get highest percentage</p> <p>Similar to HB 2005 but smoothing to avoid wage cliffs</p>	<p>EE makes 50% or more than AWW – benefit is 90% of AWW up to 50% of AWW plus 50% of employee’s AWW that is greater than 50% of AWW</p> <p>EE makes 50% or less than AWW – benefit is 90% of employee’s AWW</p> <p>EE earns minimum wage – benefit is 100% of EE’s average wage</p>	<p>EE makes more than AWW – benefit is 90% of AWW plus 50% of difference between the employee’s average wage and the AWW</p> <p>EE makes less than AWW – benefit is 90% of AWW</p> <p>EE earns minimum wage – benefit is 100% of EE’s average wage</p>	90% of AWW and 50% of earnings above AWW
Maximum Weekly Benefit	120% of AWW - \$1,200	130% of AWW	130% of AWW	\$1,000
Premium costs	<p>Employers with 25 or fewer employees are not required to contribute.</p> <p>Employee pays 60% Employer pays 40%</p>	<p>Employee and employer equally contribute through payroll taxed</p> <p>(likely around .45 each)</p>	Employee and employer equally contribute through payroll taxed (likely no less than .5 each)	<p>Employers with 50 or fewer employees are not required to contribute</p> <p>Total: 63% employee, 37% employer</p>
Job Protection	All employers must provide job protections but employers with less than 25 employees have more flexibility if the previous job no longer exists; liability shield for replacement worker if employer uses BOLI language in temporary employment rights	All employers, regardless of size must provide job protections	All employers, regardless of size must provide job protections	Employers with 50 or more employees must provide job protection provided employee worked for 12 months and 1,250 hours

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Waiting Period	One week	One week	One week	One week
Private Option	Yes – employers providing equivalent or better benefits can use a voluntary plan	No	No	Yes – employers providing equivalent or better benefits can use a voluntary plan
Business Assistance	Yes – employers with 25 or fewer employees and that make contributions are eligible for grants of \$3,000 if the employer hires a temporary worker to replace a worker absent for 7 days; or up to \$1,000 for significant wage-related costs	Yes – employers with 25 or fewer employees and that make contributions are eligible for grants of \$3,000 if the employer hires a temporary worker to replace a worker absent for 7 days; or up to \$1,000 for significant wage-related costs	No	Yes – employers with 150 or fewer employees or employers with 50 or fewer employees who opt to pay all premiums are eligible for grants of \$3,000 if the employer hires a temporary worker to replace a worker absent for 7 days or up to \$1,000 for significant wage-related costs
Preemption	Yes	No	No	Yes
CBA	Yes – still negotiating but likely to be a combination of WA/HB 3031	Silent	CBA cannot waive or diminish PFML rights; does not require the reopening or renegotiation prior to expiration of a collective bargaining agreement in place before the effective date of HB 2005.	Does not require reopening negotiations of an existing agreement or apply to any of the rights or responsibilities until the agreement is reopened or renegotiated or expires.